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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 19, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THOMAS H.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 2:22-CV-42-RMP

ORDER GRANTING PARTIES'
STIPULATED MOTION TO REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 11. Plaintiff Thomas H.¹ is represented by attorney Chad Hatfield. The Commissioner of Social Security is represented by Special Assistant United States Attorney Edmund Darcher.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 11**, is **GRANTED**. Pursuant to the parties'

¹ The Court uses Plaintiff's first name and last initial to protect his privacy.

1 stipulation, the Commissioner's final decision is **reversed and remanded** for
2 further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand
3 the Commissioner will instruct the Administrative Law Judge ("ALJ") to offer
4 Plaintiff the opportunity for a new hearing, take any action needed to complete the
5 administrative record, and issue a new decision. *See* ECF No. 11-1 at 1–2. The ALJ
6 will:

- 7 • Reevaluate whether the severity of Plaintiff's impairments meets or
8 equals the criteria of any of the impairments in the Listing of
9 Impairments at Appendix 1, Subpart P, Regulations No. 4, in particular
10 Listing 5.08.
- 11 • Reassess Plaintiff's subjective symptoms pursuant to Social Security
12 Ruling 16-3p.
- 13 • Reevaluate Plaintiff's residual functional capacity.
- 14 • If necessary and warranted, obtain medical expert testimony.
- 15 • If warranted by the expanded record, obtain supplemental vocational
16 expert evidence to clarify the effect of the assessed limitations on
17 Plaintiff's ability to perform other work that exists in significant
18 numbers in the national economy.

19 *See* ECF Nos. 11 and 11-1.
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Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §§ 1920, 2412(d).

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment, ECF No. 10, is **DENIED AS MOOT**.

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and provide copies to counsel, enter judgment in favor of Plaintiff, and **close the file**.

DATED September 19, 2022.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Senior United States District Judge